

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

ELIZABETH A. PEIFFER,  
INDIVIDUALLY AND ON BEHALF OF  
ALL OTHERS SIMILARLY SITUATED,

PLAINTIFF,

vs.

CHARLESTON COUNTY SCHOOL  
DISTRICT,

DEFENDANT.

**C.A. NO. 2:16-CV-1042-RMG**

**JOINT DISCOVERY PLAN UNDER  
FRCP 26(F) AND LOCAL CIVIL RULE  
26.03 DISCLOSURES**

1. Certification of Conference. Pursuant to Fed. R. Civ. P 26(f), a meeting was held by telephone on August 15, 2016. Present and representing Plaintiff was Allan Holmes. Present and representing Defendant was Carol Ervin.
2. Pre-Discovery Disclosures (Rule 26(f)(3)(a)). The Parties, by stipulation, agree not to make Fed. R. Civ. P. 26(a)(1) disclosures.
3. Discovery Plan Rule 26(f)(3)(B)). The Parties jointly propose to the Court the following discovery plan:
  - a. All discovery shall be commenced in time to be completed no later than January 23, 2017.
  - b. Subjects on which discovery may be needed:
    - i. Plaintiffs may seek discovery related to Defendant's payment of wages to all newly hired non-exempt employees for their attendance at New Employee Orientation during the summer months of 2013, 2014, and 2015.
    - ii. Defendants may seek discovery of any and all evidence in Plaintiff's possession that tends to prove Defendant has not properly paid all newly hired non-exempt employees for their attendance at New Employee Orientation in the summer months of 2013, 2014, and 2015.
  - c. Conducting Discovery in Phases:

i. The Parties do not anticipate needing to conduct discovery in phases.

4. Electronically Stored Information (Rule 26(f)(3)(C))

a. The Parties do not anticipate any issues about disclosure, discovery, or preservation of electronically stored information.

5. Claims of Privilege or Protection (Rule 26(f)(3)(D))

a. The Parties do not anticipate any issues about claims of privilege or of protection as trial-preparation materials.

6. Proposed Changes (Rule 26(f)(3)(E))

a. The Parties do not anticipate proposing any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by local rule.

7. Other Orders (Rule 26(f)(3)(F))

a. The Parties do not anticipate other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

8. Local Civil Rule 26.03 (D.S.C.) Disclosures

a. Statement of Facts.

Plaintiff filed a Class Action Complaint in the Court of Common Pleas, Ninth Judicial Circuit, on February 29, 2016. A Notice of Removal was filed on April 5, 2016, removing this matter to the U.S. District Court, Charleston Division. Plaintiff's Complaint alleges that Plaintiff was employed by the Defendant as a non-exempt hourly employee who was paid \$14.23 per hour. Plaintiff alleges that Defendant required Plaintiff to attend a New Employee Orientation ("NEO") on August 7, 2015, and was not paid hourly wages for this day worked. Plaintiff seeks to represent a class composed of individuals employed by the Defendant as non-exempt, hourly employees, who were also required to attend the NEO and were not paid for their attendance.

Defendant contends all hourly, non-exempt employees who attended the NEO during the period in issue (the summer months of 2013, 2014, and 2015) have been paid all wages due them for their time at NEO.

b. The names of fact witnesses likely to be called by the party and a brief summary of their expected testimony.

i. Elizabeth Peiffer

- ii. Krishinda Waring-Jenkins, Director of Benefits & Business Services, Human Resources Department, Charleston County School District.
- iii. Plaintiff may testify as to her knowledge of the facts and events alleged in Plaintiff's Complaint. Defendant's witness may testify as to her knowledge of Plaintiff's allegations and the facts and events surrounding Plaintiff's Complaint. In addition, witnesses may testify as to the identification of employees who attended the NEO during the summer months of 2013, 2014 and 2015, and verification that said employees have been paid for their time at NEO.

The Parties may call any witnesses listed by the other and reserve the right to supplement this list of witnesses as discovery progresses.

- c. The names and subject matter of expert witnesses (if no witnesses have been identified, the subject matter and field of expertise should be given as to experts likely to be offered).

The Parties have not retained expert witnesses at this time, but reserve the right to supplement their responses in the future, in accord with the Consent Amended Scheduling Order.

- d. A summary of claims or defenses with statutory and/or case citations supporting same.

The Fair Labor Standards Act ("FLSA"), 29 USC §201, et seq., and the South Carolina Payment of Wages Act, S.C. Code Ann. §41-10-10, et seq.

- e. Absent special instructions from the assigned judge, proposed dates for the following deadlines listed in Local Civil Rule 16.02 (D.S.C.):
  - i. Exchange of Fed. R. Civ. P. 26(a)(2) expert disclosures;
    - A. Plaintiff: November 23, 2016
    - B. Defendant: December 28, 2016
  - ii. Completion of discovery: January 23, 2017
- f. Any special circumstances that would affect the time frames applied in preparing the scheduling order.

None known.

- g. Any additional information requested in the Pre-Scheduling Order or otherwise requested by the assigned judge.

See Mediation of Cases Pending Before Judge Gergel, attached.

GIBBS & HOLMES

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Dated: August 25, 2016